THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.24718 of 2003

Dated: 15-06-2006

Between:

V. Ramachandra Naidu.

..Petitioner

and

The A.P.S.R.T.C. rep. by its Managing Director, Musheerabad, Hyderabad and others.

..Respondents.

THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.24718 of 2003

ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents Corporation.

It is not in dispute that the vehicles belonging to the writ petitioner bearing Nos.

AP 03/U 4177 and AP 03/U 2575 were hired to the A.P.S.R.T.C. under the hire scheme for operation on its notified routes. It is also not in dispute that an agreement was entered into between the Corporation and the petitioner stipulating the terms and conditions including the hire charges. In this writ petition, the petitioner alleges that the respondents have failed to pay the hire charges in respect of the above two vehicles for the period from 16-06-2003 to 31-07-2003 in spite of several representations made by him.

In the counter filed on behalf of the respondent Corporation, it is stated that contrary to the terms of the agreement, the buses were partially operated as express service, however, the bills were submitted claiming as ordinary service and the amounts were paid. Subsequently, when an objection was raised by the audit party, the amounts were recovered from the future bills payable to the petitioner to the tune of Rs.2,16,221.70 ps.

However, the petitioner disputes the said version of the respondents Corporation and submits that it is absolutely incorrect to say that the buses in question were partially operated as express service. Since it is a highly disputed question of fact, I am not inclined to express any opinion on rival claims and consequently, the Mandamus as prayed for cannot be granted.

However, the learned counsel for the petitioner across the bar submits that the representations made by the petitioner as to his claim for withheld amount are still pending before the respondent Corporation and therefore, it would be appropriate to direct the respondents to consider the objections raised by the petitioner and make the necessary enquiry into the claim made by the petitioner.

Accordingly, without expressing any opinion on merits, the Writ Petition is disposed of with a direction to the respondents to consider the representations of the petitioner dated 19-07-2003 and 05-08-2003 and to pass appropriate orders in accordance with law after affording due opportunity to the petitioner to substantiate his claim. Such exercise shall be completed as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J

Dated: 15-06-2006

Note:

CC by one week.

(Bo)

sj